

# SYSTEMSTATS



North Carolina Criminal Justice Analysis Center

Governor's Crime Commission

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## Disproportionate Minority Contact Reduction Initiatives in North Carolina

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### Introduction

Disproportionate Minority Contact (DMC) refers to the disproportionate number of minority youth who come into contact with the juvenile justice system. Although minority youth account for approximately one-third of the U.S. population, they represent two-thirds of the detention and corrections population.<sup>1</sup>

The Juvenile Justice and Delinquency Prevention Act of 2002 broadened the scope to 'Disproportionate Minority Contact' from the previous term of 'Disproportionate Minority Confinement' requiring the examination of the disproportionate representation of minority youth at all juvenile justice decision points and not just corrections and confinement.

### DMC as a Core Requirement

In the 1988 amendment to the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 (Public Law 93-415, 42 U.S.C. 5601 et seq.), Congress mandated that the Office of Juvenile Justice and Delinquency Prevention (OJJDP) require all states participating in the Formula Grants Program (Title II, Part B, of the Act) to address disproportionate minority confinement (DMC) in their state plans. Specifically, if the proportion of a given minority group of youth who are detained or confined in

state's secure detention facilities, secure correctional facilities, jails, and lockups exceeded the proportion of that group represented in the general population, the state was required to develop and implement plans to reduce the disproportionate representation (Section 223(a)(23)).

In the 1992 amendments to the JJDP Act, DMC was elevated to a core protection for youth, with future funding eligibility tied to state compliance. The JJDP Act of 2002, signed into law on November 2, 2002, modified the DMC requirement of the Act as follows:

In order to receive formula grants under this part (Part B), a state shall submit a plan for carrying out its purposes applicable to a 3-year period... In accordance with regulations which the Administrator shall prescribe, such plan shall... (address) juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system. This change essentially broadens the DMC

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<sup>1</sup> Disproportionate Minority Confinement, 2002 Update. U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention

initiative from disproportionate minority “confinement” to disproportionate representation of minority youth at all decision points along the juvenile justice system continuum. It further requires multi-pronged intervention strategies including not only juvenile delinquency prevention efforts, but also system improvement efforts to assure equal treatment of all youth.

Pursuant to section 223(a)(22) of the JJDP Act, states must address specific delinquency prevention and system improvement efforts to reduce the rate of contact with the juvenile justice system of a specific minority group, if that rate is significantly greater than the rate of contact for whites or for other minority groups. The analysis should be conducted separately for each minority group within the state or locality that represents at least one percent of the total youth population at risk.

For purposes of this statutory mandate, majority population is defined as white (not Hispanic), while minority populations are defined as non-white. Groups that make up the minority population include: American Indian or Alaska Native, Asian, Black or African-American, Hispanic or Latino, and Native Hawaiian or Other Pacific Islander. These six racial/ethnic categories serve as a minimum standard and permit additional categories provided they can be aggregated to the standard categories. States and localities are encouraged to address specific subgroups (e.g., the Filipinos or Samoans officially classified as Other Pacific Islanders) if their state and local circumstances indicate that such groups may be affected by DMC.

Contact refers both to the initial legal encounters through law enforcement (arrest) and to ongoing contact through actions within the juvenile justice system such as diversion, detention, referral to juvenile court, issuance of petitions, adjudication as delinquent, placement on probation, placement in secure juvenile corrections, transfer to adult court, and other such processes unique to the states and localities.

### Identified Factors Contributing to DMC

The Office of Juvenile Justice and Delinquency Prevention have identified various factors which may contribute to the number of minority youth coming into contact with the juvenile justice system. The following factors were identified based on research and assessments from different states working to implement DMC reduction strategies:

- **Lack of alternatives to detention and incarceration**  
In some states, detention centers are located in the largest cities where most of the minority populations live.
- **Racial stereotyping and cultural insensitivity**  
Intentional and unintentional racial stereotyping is an important factor contributing to high arrest rates, high intake rates, and high confinement rates of minority youth. Minority youth are often subjected to more severe punishments and dispositions as a result of their demeanor and attitudes not directly related to the offense.

- **Lack of culturally appropriate services**

Minorities often have a difficult time navigating the juvenile justice system because of a misunderstanding of the court process and/or the lack of bilingual and bicultural staff.

- **Misuse of discretionary authority**

Laws and policies that increase the discretion used by juvenile justice professionals have been shown to result in harsher treatment of minority youth. Some decisions made by such personnel are subjective instead of objective and decisions are not made for all youth consistently for similar offenses committed under similar circumstances.

In addition to the above recognized contributing factors to DMC, some states have recognized the lack of educational resources in schools and minority neighborhoods and the lack of participation in the educational process by minority youth and their families as factors resulting to early involvement in juvenile delinquency. Minority youth are also placed at a higher risk of entering the juvenile justice system because of poverty, substance abuse, lack of job opportunities and residing in high crime rate neighborhoods.

### **How States Comply with the DMC Core Requirement of the JJDP Act**

The purpose of this core requirement is to ensure equal and fair treatment for every youth (regardless of membership in a minority or majority population group) involved in the juvenile justice system. It is essential that states approach this statutory mandate in a comprehensive, balanced, multi-prong, and ongoing manner. States should address any individual, family, community, education system, and other issues related to juvenile justice system involvement. Any features of their juvenile justice system and related laws and policies that may account for disproportionate juvenile justice system contact by juveniles of a specific minority group relative to all other racial/ethnic groups should be considered as well.

States undertake efforts to reduce DMC by moving through the following five phases on an ongoing basis:

**Identification:** Determine the extent to which DMC exists.

**Assessment:** Assess the contributing factors to DMC, if it exists.

**Intervention:** Develop and implement intervention strategies to address these identified contributing factors.

**Evaluation:** Evaluate the effectiveness of the chosen intervention strategies.

**Monitoring:** Note changes in DMC trends and adjust intervention strategies as needed.<sup>2</sup>

Each state must (1) describe its DMC reduction plan in its three-year comprehensive plan and (2) report on progress in subsequent plan updates. OJJDP reviews the comprehensive plan and annual updates to determine both progress and eligibility for subsequent Title II Formula funding. States that fail to show progress in its DMC reduction plan stand to lose 20 percent of its formula grant allocation. In addition, at least 50 percent of the remaining funds must be used to achieve compliance with this core requirement.

### North Carolina's DMC Reduction Initiative

In 2001, the Governor's Crime Commission (GCC) created a Disproportionate Minority Contact Committee, which recently has become a subcommittee of the Juvenile Justice Planning Committee (JJPC). The DMC subcommittee, which is staffed by a full-time DMC Coordinator, provides recommendations to the JJPC regarding efforts to reduce the number of minority youth who are disproportionately detained or confined in secure detention, correctional facilities, and jails or lockups in relation to their representation in the general population. Moreover, the subcommittee makes recommendations to reduce disproportionality in other areas to include school suspension, child maltreatment and substance abuse. The subcommittee is composed of representatives from local law enforcement

agencies, the Department of Juvenile Justice and Delinquency Prevention (DJJDP), the Department of Corrections (DOC), the Department of Public Instruction (DPI), the Administrative Office of the Court (AOC), the Department of Health and Human Services (DHHS), five citizen appointments, and at least one representative from each minority group identified in the federal JJDP Act.

Current subcommittee strategies to address DMC in North Carolina include the following:

- Working with four demonstration counties to provide resources, technical assistance and ongoing monitoring and evaluation of programs and activities designed to reduce DMC in these jurisdictions.
- Collaborating with the North Carolina Department of Juvenile Justice and Delinquency Prevention in developing a uniform data collection system which will allow for accurate collection of data disaggregated by race. This data is to be collected at the decision points which would allow for an accurate measurement of possible disparities in decision-making.
- Increasing the awareness of disproportionate minority contact in the juvenile justice system and educating the public, juvenile justice professionals, as well as the GCC through conference presentations, developing and disseminating materials and utilizing technical assistance resources available through the federal government.

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<sup>2</sup> Disproportionate Minority Contact, Core Requirement of the JJDP Act, <http://ojjdp.ncjrs.org/dmc/about/core.html>

## Demonstration Counties

The Disproportionate Minority Contact subcommittee made the decision to partner with four counties in the state to address the issue of minority overrepresentation in the juvenile justice system. As part of the state's plan to address DMC, the committee felt it important to work with local communities in an attempt to affect this issue and work with the people who have contact with this at-risk population on a daily basis. The criteria that was used in choosing the counties was the minority arrest rates, minority youth detention admission rates, youth development center admission data, suspension and expulsion rates for minority youth, and geographic distribution. The committee also took into consideration what current resources each jurisdiction had and if each had existing prevention or intervention programs for youth.

The counties of Guilford, New Hanover, Union, and Forsyth were selected by the DMC subcommittee to partner with the Governor's Crime Commission to develop county specific plans to address minority overrepresentation. Each of the counties has in place working groups that serve as the primary point of contact between the Governor's Crime Commission and the county. Meetings are held in each jurisdiction with the purpose of discussing how each would address issues specific to their individual areas. The DMC Coordinator, with the assistance of the Juvenile Justice Specialist, provides technical

assistance to these demonstration sites on topics such as grant writing, strategic planning, and mission development. The DMC working groups in each of the counties are well represented and each has membership from the community, law enforcement, courts, the school system, and private citizens.

The JJPC encouraged each of the demonstration counties to apply for a one-year planning grant so that each would have the resources to begin gathering data and accessing the extent of minority overrepresentation in their individual areas. These grants would still go through the regular grant cycle and still be subject to approval from the JJPC. At the completion of each of the planning grants, each county anticipates having a comprehensive county plan based on research gathered from the previous year and a clear direction on how they will begin to implement activities to address DMC the following year.

## Data Collection

One of the identified challenges to addressing DMC was incomplete and inconsistent data and the need for improved juvenile justice information systems. North Carolina has recognized the need for the development of a more uniform data collection process in order to effectively collect the required data to measure disparities in the juvenile justice decision making process.

The GCC has worked in conjunction with the Department of Juvenile Justice and Delinquency Prevention in developing a statewide data collection system (NC-JOIN) so that statistics may be collected in a more uniform and consistent manner. Data collected from NC-JOIN provides the GCC the ability to compute the Relative Rate Index of minority overrepresentation as required by the Office of Juvenile Justice and Delinquency Prevention. The Statistical Analysis Center of the Commission is also assisting the DMC efforts by determining how geographic information system (GIS) mapping can be used as a means to target DMC efforts in specific jurisdictions.

### **Education**

Creating awareness and educating the general public, as well as the members of the GCC, is also an identified area of concern for North Carolina's DMC reduction initiative. In order to effectively address this issue, the DMC subcommittee felt it was important to educate commission members in general on the various factors that affect the rate at which minority youth are coming into contact with the juvenile justice system. Serving as the advisory body to the Governor on criminal justice and juvenile justice issues, the subcommittee felt that it was imperative for both it and the GCC to be knowledgeable on emerging DMC trends, major issues and best practices.

As a part of the DMC education initiative, the DMC subcommittee receives technical assistance and training on an ongoing basis from various agencies including the Juvenile Justice Institute and

the Office of Juvenile Justice and Delinquency Prevention. The subcommittee, members of the GCC and members of the JJPC take the opportunity to speak about the DMC issue in North Carolina at various meetings, workshops and conferences including the Safe Schools Conference hosted by the Department of Public Instruction. The DMC Coordinator, Juvenile Justice Specialist, and staff members of the juvenile justice planning section of the GCC are active on various committees throughout the state and are often part of their meeting agendas to speak about DMC in North Carolina.

### **Demonstration County Profile**

The GCC has been working extensively with the counties of Union, New Hanover, Forsyth, and Guilford in providing specialized technical assistance to address the issue of minority youth overrepresentation. During FY 2004, each of these jurisdictions was provided with resources in the form of planning grants to enable each to mobilize stakeholders and to begin the process of analyzing the DMC issues specific to each county. Each county now has a working DMC steering committee that meets on a monthly basis and is charged with developing a comprehensive plan to implement future DMC reduction activities.

#### ***New Hanover County***

New Hanover County's DMC steering committee currently consists of 24 representatives from community and state agencies, institutions and the faith community. Once the Committee



represented all the key stakeholders to effectively address DMC, it drafted a Memorandum of Understanding (MOU) and held a public signing of the document in order to publicly acknowledge that DMC is an issue in their area. Further, the MOU showed the commitment of the DMC Steering Committee to reduce minority overrepresentation. This public MOU signing was featured in one of the county's local newspapers.

New Hanover County has hired a DMC project coordinator who has the responsibility of leading and coordinating the efforts of the county's DMC demonstration project. In addition, the DMC steering committee has contracted with the University of North Carolina-Wilmington to serve as the primary data collection entity that will identify the appropriate data collection instruments needed to collect DMC specific data at the various decision points in the county's juvenile justice system. The data collection team will also evaluate existing data collection instruments in order to determine their effectiveness in being able to collect the necessary statistics needed to measure minority overrepresentation. Using the data collected from the research team, a comprehensive county plan will be developed which will include specific strategies and activities to be implemented to reduce the number of minority youth involved in the system. This plan will also include an evaluation of existing programs within the county with recommendations for enhancement, redirection, and the institutionalization of diversionary programs.

### *Union County*

Union County's objectives are similar to that of New Hanover County, where the primary focus of their planning process included the mobilization of their steering committee and the development of a data system which would provide the baseline DMC specific data. Their county DMC reduction plan will be a direct result of the information obtained from their data collection efforts.

Union County has developed a DMC steering committee which is a subcommittee of the county's Juvenile Crime Prevention Council <sup>3</sup>. Union County has also hired a DMC project coordinator who oversees the county's efforts in reducing DMC. The county recently held a public signing of their Memorandum of Agreement where representatives from the police department, juvenile probation department, public school system, district attorney's office, community based organizations and social service agencies gathered to publicly show their commitment to addressing DMC in their county. Union County is a rural county and has focused a majority of their efforts in educating the county on the issue of DMC and possible correlating factors which may lead to minority youth being overrepresented in the system. The county is also focused on identifying existing resources and creating a local data mapping system which will assist the DMC steering committee in targeting where new services are needed as they relate to reducing the number of minority youth entering

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<sup>3</sup>Each county in North Carolina has an established Juvenile Crime Prevention Council that receives funds from the North Carolina Department of Juvenile Justice and Delinquency Prevention.

the system. Union County is currently in negotiations to partner with Wingate University in coordinating a data collection system to be used as a baseline evaluation system for the county. Further, the county will perform an analysis of all available data associated with juvenile arrests, adjudication, and disposition in order to determine where disparities may exist and to have a starting point for future change in policies and procedures which may put minority youth at a greater risk for entering the juvenile justice system.

### *Guilford County*

Guilford County has created a DMC steering committee and has partnered with The Center for Youth, Family and Community Partnerships at the University of North Carolina-Greensboro (UNC-G). The county has also hired a DMC project coordinator to oversee day-to-day operations of the steering committee. For the planning phase of this project, identified representatives from UNC-G, the project coordinator, and the DMC steering committee plan to collect and analyze local DMC data and use this data to develop intervention and prevention activities. Guilford County will also develop a data mapping system in their county to assess the extent of DMC and develop a county plan which will outline specific plans to address minority overrepresentation.

Guilford County has also held a public signing of their DMC Memorandum of Understanding which received media coverage in one of the county's local newspapers. The Guilford County DMC

steering committee has hosted the renowned training, "Undoing Racism" for members of the steering committee in order to facilitate common understanding of the institutional issues that impact minority overrepresentation in the system. Guilford County's goals for their DMC project are similar to the other counties in that they are focused on achieving a consensus on a locally meaningful definition and identification of the DMC issue in order to plan prevention and intervention activities for the upcoming year.

Guilford County's DMC planning process includes issue definition and awareness, assessment and data analysis, and prevention/intervention activities. The Guilford County DMC steering committee held focus groups, interviews, and stakeholder visits in order to identify factors that contribute to DMC in Guilford County. This process was important in identifying potential resistance to the understanding and acceptance of the DMC issue by some. Guilford County also developed a memorandum of understanding and has completed an inventory of youth serving resources with the purpose of identifying possible gaps.

The Guilford County DMC steering committee has also completed a comprehensive suspension and expulsion report entitled 'Suspensions in Guilford County Schools, 2003-2004: Using Rates to Examine Race and School Effects.' The purpose of this report was to measure the extent of disproportionate minority suspensions in Guilford County schools using the Relative Rate Index (RRI). For each school, data included the total student body



membership, total number of students of each race or ethnicity (American Indian, Asian, Black, Hispanic, Multi-Ethnic, and White), total number of short and long term suspensions and the total number for each racial category. The data revealed in this report ranged from some schools having a great disparity between the number of minority and non-minority students being suspended to little disparity in suspension rates. Guilford County plans to assess all of the data collected and shared between the University, Department of Juvenile Justice and Delinquency Prevention, Guilford County schools and law enforcement partners and develop a ‘portfolio’ of intervention and prevention efforts for local implementation.

### ***Forsyth County***

Forsyth County began addressing overrepresentation of minority youth more than 10 years ago, but was unable to put a strategic focus into place. Three years ago, the county’s Juvenile Crime Prevention Council began a three-year initiative to identify community systems and local data that would have an impact on reducing DMC.

In an effort to use community input to address DMC, Forsyth County conducted a series of youth focus groups as a process to identify how people at the local level view the issues surrounding minority overrepresentation. The focus groups discussed concerns surrounding the family, community, and how each has an integral role in youth being involved in the juvenile justice system.

Information from these focus groups will be a part of the overall county plan and to show the importance of conducting DMC reduction efforts at the local level.

Forsyth County has partnered with a researcher from Winston-Salem State University in analyzing the youth who are currently incarcerated in the state’s youth development centers. The research will identify variables common among the incarcerated youth and develop an intervention/prevention plan based on these variables in hopes of affecting the rate at which the youth are entering the system.

### **Future Plans for North Carolina’s DMC Initiative**

As each demonstration county proceeds and moves forward with their individualized DMC reduction plans, it is important to this initiative that activities are able to be measured, evaluated and eventually duplicated. The Office of Juvenile Justice and Delinquency Prevention has required all states addressing DMC to report on specific performance measures in order to ensure that DMC reduction activities in each state are data driven and outcome based. Each county is currently charged with the task of being able to measure the performance of their activities and show how each implemented strategy has truly resulted in a reduction of minority youth having contact with the juvenile justice system.

The DMC subcommittee has the expectation that as each demonstration county moves into the

evaluation and monitoring stage of their DMC reduction plans, their activities and strategies will be able to be duplicated and shared with the other North Carolina counties. It is the hope that this demonstration effort will prove to be one that may eventually decrease the number of minority youth who have contact with the juvenile justice system in the entire state and that decision-making processes are more objective for all North Carolina youth.

**For additional information regarding this topic, contact information for the four demonstration sites, or county level Relative Rate Indices, please contact the DMC Coordinator, Kimberly Wilson at 919-733-4564 or [kwilson@ncgccd.org](mailto:kwilson@ncgccd.org).**

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Dispositional Outcomes of Domestic Violence Exparte and Domestic Violence Protective Orders(SystemStats)

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**SYSTEMSTATS**

A Publication of the  
Governor's Crime Commission  
Department of Crime Control and Public Safety  
(919) 733-4564  
<http://www.ncgccd.org>

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